

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RON D. THORNTON and  
PHYLLIS A. MITCHELL  
Plaintiffs,

V.

THE BANK OF NEW YORK MELLON  
f/k/a EMC MORTGAGE CORPORATION,  
JP MORGAN CHASE BANK NEW YORK,  
NY, HUGHES WATTERS ASKANASE LLP,  
and CAROLYN A. TAYLOR  
Defendants.

§ § § § § § § § § § § § § § § §

CIVIL ACTION NO. \_\_\_\_\_

**EXHIBIT “B”**  
**INDEX OF STATE COURT’S FILE**

- B-1: Court Docket Sheet;
- B-2: Original Petition to Enjoin Foreclosure Sale and for Temporary Restraining Order;
- B-3: Citation Issuance Request Form;
- B-4: Ex Parte Temporary Restraining Order and Order Setting Hearing for Temporary Injunction;
- B-5: Affidavit of Service with fax cover sheet;
- B-6: Order for Issuance of Temporary Injunction;
- B-7: Defendants' Original Answer.

**DOCKET SHEET****CASE NO. 429-02166-2010**

**Ron D Thornton, Phyllis A Mitchell vs. The Bank of New** §  
**York Mellon f/k/a EMC Mortgage Corporation, JPMorgan** §  
**Chase Bank New York, NY and Hughes, Watters &** §  
**Askana LLP, Carolyn A. Taylor, Trustee** §

Location: **429th District Court**  
 Judicial Officer: **Willis, Jill**  
 Filed on: **05/27/2010**

**CASE INFORMATION**Case Type: **Other Civil Cases - District****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number 429-02166-2010  
 Court 429th District Court  
 Date Assigned 05/27/2010  
 Judicial Officer Willis, Jill

**PARTY INFORMATION****Plaintiff****Mitchell, Phyllis A***Lead Attorneys***Pro Se****Thornton, Ron D****Pro Se**

469-371-1034(H)

**Defendant****JPMorgan Chase Bank New York, NY****Potts, James E***Retained*


713-759-0818(W)

**The Bank of New York Mellon****Potts, James E***Retained*


713-759-0818(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX**

05/27/2010

 **Plaintiff's Original Petition (OCA)**  
*to Enjoin Foreclosure Sale and for TRO*  
 Party: Plaintiff Thornton, Ron D

05/27/2010

 **Request for Citation**  
*x1*  
 Party: Plaintiff Thornton, Ron D; Plaintiff Mitchell, Phyllis A

05/28/2010

 **Temporary Injunction**

05/28/2010

**Request for Temporary Injunction**

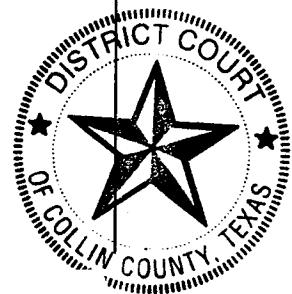
05/28/2010

**Citation**  
 The Bank of New York Mellon  
 Unserved  
*issd*




05/28/2010

**Temporary Injunction**  
 The Bank of New York Mellon  
 Unserved  
*issd*

06/10/2010

**Temporary Injunction (10:30 AM)** (Judicial Officer: Willis, Jill)

**DOCKET SHEET**  
**CASE NO. 429-02166-2010**

06/10/2010	General Docket Entry
06/10/2010	 Affidavit <i>Affidavit of Service / Derrick Evans Dallas Co. Const.</i> Party: Plaintiff Thornton, Ron D
06/10/2010	 Temporary Injunction
06/10/2010	Mailed/Faxed Order <i>c/c to defts and trustee</i>
06/25/2010	 Original Answer Party: Attorney Potts, James E

**DATE****FINANCIAL INFORMATION****Defendant** The Bank of New York Mellon

Total Charges

5.00

Total Payments and Credits

5.00

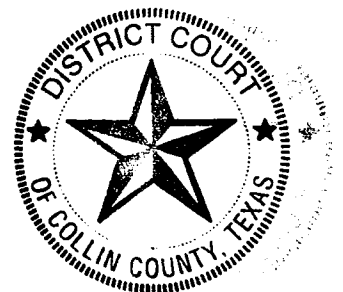
**Balance Due as of 6/29/2010****0.00****Plaintiff** Thornton, Ron D

Total Charges

274.00

Total Payments and Credits

266.00

**Balance Due as of 6/29/2010****8.00**

5/27/2010 2:58 PM Page 1  
 \*\*\*These forms are not a substitute for legal advice.\*\*\*

Case No. 429-02166-2010  
 Ron D. Thornton

Phyllis A. Mitchell

[Your Name] The Bank of New York

Plaintiff Mellon FKA

v. EMC Mortgage Corporation,

CHASE BANK NEW YORK, N.Y.

[Lienholder's Name]

And Hughes, Walters & Askanase

CAROLYN A. TAYLOR Trustee

[Trustee's Name]

Defendants

In the District Court

Collin County, Texas

429 Judicial District

### ORIGINAL PETITION TO ENJOIN FORECLOSURE SALE AND FOR TEMPORARY RESTRAINING ORDER

TO THE HONORABLE COURT:

RON D THORNTON & PHYLLIS A. MITCHELL [plaintiff's name], the Plaintiff, complains  
 of Defendants EMC Mortgage Corp. CHASE BANK [lienholder's name (mortgage  
 company)] and Hughes, Walters, Askanase [trustee], and for cause of action  
 shows:

#### I. Selection of Discovery Level

Discovery in this case is intended to be conducted under Level 2 of Rule 190 of the Texas  
 Rules of Civil Procedure.

#### II. Parties and Service of Citation

Plaintiff, RON D. THORNTON & PHYLLIS A. MITCHELL [plaintiff's name], is the owner  
 of a certain tract of real property located in the city of PLANO, TEXAS [name of  
 city], in Collin County [name of county] County, Texas at:

5033 BRIDGE CREEK DR, PLANO, TEXAS 75093  
 [address], and more particularly described as:

[State full legal description of the property, including lot and block number, etc.]  
Being Lot 9, BLOCK "B" OF LAKESIDE ON PRESTON - PHASE 6, AN  
ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO  
THE PLAT THEREOF RECORDED IN VOLUME R, PAGE 368, MAP RECORDS  
COLLIN COUNTY, TEXAS (PROPERTY)

together with the fixtures and personal property used in connection with it.

FILED

2010 MAY 27 PM 2:50

3  
 AMELIA

\*\*\*These forms are not a substitute for legal advice.\*\*\*

Defendant, EMC Mortgage Corp / J.P. Morgan Chase / Bank of New York Mellon FKA [lienholder's name (mortgage company)], is the holder and owner of a deed of trust note in the original principal amount of \$ 476,000.00 [amount], secured by a deed of trust lien against the property at: 5033 Bridge Creek Dr Plano, Texas 75093 [address] and more particularly described as:

[State full legal description of the property, including lot and block number, etc.]  
Being Lot 9, Block B of Lakeside on Preston - Phase 6, An Addition to The City of Plano, Collin County, Texas, According to The Plat Thereof Recorded in Volume K, Page 368, Map Records, Collin County, Texas (Property)

and by a security interest in the fixtures and personal property. The deed of trust is recorded in Volume K, Page 368, Deed of Trust Records, Map Records, Collin County [name of county] County, Texas.

Defendant, Hughes, Watters, Askanase L.L.P. Carolyn A. Taylor [trustee], is the Trustee under the deed of trust.

### III. Imminent Harm

The Plaintiff was and is the owner of the property purchased from Defendant EMC Mortgage Corp / J.P. Morgan Chase / Bank of New York Mellon [lienholder's name (mortgage company)] and more particularly described as:

[State full legal description of the property, including lot and block number, etc.]  
Being Lot 9, Block B of Lakeside on Preston - Phase 6, An Addition to The City of Plano, Collin County, Texas, According to The Plat Thereof Recorded in Volume K, Page 368, Map Records, Collin County, Texas (Property)

Although the property is encumbered by the deed of trust lien in favor of Defendant EMC Mortgage Corp / J.P. Morgan Chase / Bank of New York Mellon [lienholder's name (mortgage company)], the Plaintiff is not in breach of any covenant or in default of any obligation owed to Defendant EMC Mortgage Corp / J.P. Morgan Chase / Bank of New York Mellon [lienholder's name (mortgage company)]. Nevertheless, Defendant Hughes, Watters, Askanase L.L.P. [trustee], as Trustee, acting on instructions from Defendant EMC Mortgage Corp / J.P. Morgan Chase / Bank of New York Mellon [lienholder's name (mortgage company)], has given notice that the property is to be sold by the Trustee pursuant to the powers contained in the deed of trust. The public sale by the Trustee has been set for a time between 10:00 a.m. and 4:00 p.m. on June 1, 2010 [date], at the courthouse door in Collin County [name of county] County, Texas.

### IV. Probable Right to Relief

The Trustee states in the Notice of Sale that payments on the deed of trust note are in default. This conclusion is incorrect in that:

\*\*\*These forms are not a substitute for legal advice.\*\*\*

[State facts explaining why you are not in default.]  
 EMC Mortgage / JP Morgan Chase

ENGAGED IN UNLAWFUL AND ABUSIVE COLLECTION PRACTICES  
 FTC Act VIOLATIONS; UNFAIR AND DECEPTIVE LOAN SERVICING PRACTICES.  
 EMC Mortgage MISREPRESENTED THE AMOUNT OWED OF MY LOAN #  
 0022670566. PLAINTIFFS, RON D. THORNTON, PHYLLIS A. MITCHELL; EMC Mortgage  
 ASSESSED AND COLLECTED UNAUTHORIZED FEES SUCH AS LATE FEES, AND  
 MISREPRESENTED THAT THEY POSSESSED AND RELIED UPON A REASONABLE BASIS  
 FOR THEIR REPRESENTATIONS ABOUT MY LOAN. THEY ALSO MADE HARASSING  
 COLLECTION CALLS, FALSELY REPRESENTED THE AMOUNT OR LEGAL STATUS OF MY  
 LOAN. EMC Mortgage FAILED TO COMMUNICATE THE AMOUNT I DISPUTED.  
 IN ADDITION, EMC Mortgage USED FALSE REPRESENTATIONS AND DECEPTIVE MEANS  
 TO COLLECT, AND EMC Mortgage FAILED TO SEND ME RON D. THORNTON AND  
 PHYLLIS A. MITCHELL A VALIDATION NOTICE CONTAINING THE AMOUNT OF MY LOAN  
 AND MY LEGAL RIGHT TO DISPUTE THE LOAN DEBT, AND OBTAIN VERIFICATION OF  
 THE DEBT. EMC Mortgage FURNISHED INFORMATION ABOUT OUR LOAN PAYMENT  
 STATUS TO CREDIT REPORTING AGENCIES (CRA'S) WHEN RON D. THORNTON AND PHYLLIS A.  
 MITCHELL INFORMED EMC Mortgage THAT WE DISPUTED THE COMPLETENESS OR  
 ACCURACY OF THE REPORTED INFORMATION. EMC Mortgage FAILED TO REPORT THE  
 DISPUTE TO THE CRA'S AS REQUIRED BY FCRA. FALSELY DID NOT IDENTIFY  
 THEMSELVES WHEN CALLED, DECEPTIVE PHONE SYSTEM, BOGUS ADDRESS, VOICEMAIL NEVER RETURNED  
 DROPPED CALLS, AND STATE OF TEXAS TAX CODE NUMBER 33.02

#### V. Probable Irreparable Harm

Despite the Plaintiff's protestations to Defendant EMC Mortgage Corp / JP Morgan Chase  
BANK NEW YORK  
MELLON  
 [lienholder's name (mortgage company)] that there was no breach of covenant or default in the  
 Plaintiff's obligations sufficient to justify foreclosure, the Defendants threaten to and, unless  
 restrained, will sell or cause the Plaintiff's property to be sold. The Plaintiff will suffer  
 irreparable injury unless the foreclosure sale is restrained and enjoined. The foreclosure sale will  
 deprive the Plaintiff of the use and enjoyment of the property. Additionally, the Plaintiff will  
 lose the right to sell or mortgage the property at some future date and will not obtain full benefit  
 of the appreciated value.

#### VI. Inadequate Remedy at Law

The Plaintiff will show that there is no remedy at law that is clear and adequate to protect  
 the Plaintiff's property interest against this wrongful foreclosure by the Defendants. The Plaintiff  
 requests injunctive relief so that justice may be done, not merely for delay. The Plaintiff has  
 performed all conditions precedent and is ready, willing, and able to perform each and every  
 obligation imposed by the note and deed of trust and to perform any equitable acts as the Court  
 deems necessary.

#### VII. Prayer for Relief

WHEREFORE, the Plaintiff requests that:

\*\*\*These forms are not a substitute for legal advice.\*\*\*

1. A temporary restraining order be issued without notice to Defendants, restraining the Defendants, their agents, servants, and employees, from directly or indirectly selling or attempting to sell the trust property on 6-1-2010 [date of sale] under the power of sale contained in the deed of trust.

2. The Defendants be cited to appear and show cause, and that on hearing, a temporary injunction be issued enjoining Defendants, their agents, servants, and employees, from directly or indirectly selling or attempting to sell the trust property under the power of sale contained in the deed of trust so long as the Plaintiff makes the agreed payments and otherwise complies with its obligations to Defendant EMC Mortgage / J.P. Morgan Chase [lienholder's name (mortgage company)], or on other conditions as the Court deems equitable.

3. The Court declare that as of 5-28-2010 [date], no default exists in the Plaintiff's obligations to Defendant EMC Mortgage / Chase Bank J.P. Morgan [lienholder's name (mortgage company)] arising out of the note and deed of trust described in this Petition.

4. The Plaintiff recover costs of suit.

5. The Plaintiff be awarded other and further relief to which the Plaintiff may be justly entitled.

Respectfully submitted,

Ron D. Thornton, Phyllis A. Mitchell

[Plaintiff's name]

Ron D. Thornton, Phyllis A. Mitchell

[Typed or printed name]

5033 Bridge Creek Dr  
PLANO, TX 75093

[Address & telephone no.]



\*\*\*These forms are not a substitute for legal advice.\*\*\*

Case No. \_\_\_\_\_

Ron D. Thornton, Phyllis A. Mitchell

[Your Name]

Plaintiff

v.

EMC Mortgage Corp/JP Morgan Chase

[Lienholder's Name]

And

Hughes, Watters & Askanase, LLP;

[Trustee's Name]

Defendants

In the District Court

Collin County, Texas

\_\_\_\_ Judicial District

## VERIFICATION

STATE OF TEXAS

COUNTY OF Collin County Tx

BEFORE ME, the undersigned authority, personally appeared

Ron D. Thornton & Phyllis A. Mitchell [Plaintiff's name], who, by me duly sworn, deposed as follows:

"My name is Ron D. Thornton & Phyllis A. Mitchell [Plaintiff's name]. I am of sound mind and capable of making this affidavit. I am personally acquainted with the facts herein stated.

"I am the Plaintiff in the above-entitled and numbered cause.

[State the facts that justify the granting of the restraining order and injunction.]

Engaged in UNLAWFUL AND ABUSIVE Collection Practices  
FTC Violations: UNFAIR AND DECEPTIVE Loan Servicing Practices,  
EMC Mortgage misrepresented the amount owed of my loan payment  
number, 0022670566 "Plaintiffs," Ron D Thornton & Phyllis A Mitchell,  
EMC Mortgage Assessed and Collected Unauthorized Fees, Such as Late Fee's  
and misrepresented that they possessed and relied upon a REASONABLE BASE  
for their representations about my loan. They also made HARASSING  
Collection Calls, Falsely Represented the Amount, or Legal status of my  
loan. EMC Mortgage Failed to Communicate the Amount I/we disputed  
in Addition, EMC Mortgage used False Representations and deceptive means  
to collect, and EMC Mortgage Failed to send me - Ron D. Thornton and  
Phyllis A. Mitchell a Validation Notice containing the amount of my loan  
and my legal rights to dispute the loan debt, and obtain verification  
of the debt. EMC Mortgage furnished information about our loan payment  
status to credit reporting agencies (CRA's) when Ron D. Thornton &  
Phyllis A. Mitchell informed EMC Mortgage that we disputed the completeness  
or accuracy of the reported information. EMC Mortgage Failed to report the  
dispute to the CRA's as required by FCRA. Falsely did not identify  
themselves when called, Deceptive phone system, Bogus Address's, voice mail  
never returned, Dropped calls, and state of Texas Tax Code number 33.02



\*\*\*These forms are not a substitute for legal advice.\*\*\*

"I fear that unless the Court acts to restrain Defendants  
EMC Mortgage / JPMorgan Chase [lienholder's name (mortgage company)] and  
Hughes Watters Askanase LLP [trustee], Defendants will cause me irreparable  
harm and I will have to adequate remedy at law to protect myself."

SIGNED on 5-27-10 [date].

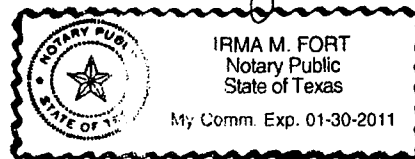
Ron D. Thornton  
Ron D. Thornton [Plaintiff's signature]

\_\_\_\_\_  
[Plaintiff's typed or printed name]

SIGNED under oath on 27 May 2010 [date], before me, the undersigned  
authority, personally appeared Ron D. Thornton & Patricia H. Mitchell [Plaintiff's name].  
personally known to me to be the person whose name is subscribed to the foregoing instrument,  
and acknowledged to me that he or she executed it for the purposes and consideration expressed  
therein.

Irma M. Fort  
[Signature of Notary Public]  
Irma M. Fort  
[Typed/printed name]

Notary Public in and for the State of Texas  
My commission expires: 30 Jan 2011



ISSUANCE REQUEST FORM

CAUSE NUMBER: 429-02166-2010  
DATE: 5-27-10

\_\_\_\_\_ # OF CITATIONS WITH SERVICE --- CONSTABLE # \_\_\_\_\_

1 # OF CITATIONS NO SERVICE ---

\_\_\_\_\_ # OF NOTICES WITH SERVICE --- CONSTABLE # \_\_\_\_\_

\_\_\_\_\_ # OF NOTICES NO SERVICE ---

\_\_\_\_\_ # OF TRO/WRIT WITH SERVICE --- CONSTABLE # \_\_\_\_\_

\_\_\_\_\_ # OF TRO/WRIT NO SERVICE ---

\_\_\_\_\_ # OF OTHER --WITH SERVICE --- CONSTABLE # \_\_\_\_\_

\_\_\_\_\_ # OF OTHER --NO SERVICE ---

/ Waiting

\_\_\_\_\_ To be Mailed Back to Attorney

\_\_\_\_\_ To be Picked Up

By: Alex D. Jimenez

REQUESTED BY:

Phone # 972-365-4494

469-371-1034

2010 MAY 27 PM 2: 52

FILED  
DISTRICT CLERK  
COUNTY CLERK  
AMERICA

5/28/2010 10:31 AM SCANNED  
 \*\*\*These forms are not a substitute for legal advice.\*\*\*

Case No. 429-02106-2010

Ron D. Thornton & Phyllis A. Mitchell

[Your Name]

Plaintiff

EMC Mortgage / JP Morgan Chase

[Lienholder's Name]

And

Hughes, Watters, & Askew

[Trustee's Name]

Defendants

In the District Court

Collin County, Texas

429 Judicial District

**EX PARTE TEMPORARY RESTRAINING ORDER  
 AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On this day the Petition of Ron D. Thornton & Phyllis A. Mitchell [Plaintiff's name]  
 for a temporary restraining order was presented to the Court.

The Court, having examined the pleadings of Ron D. Thornton & Phyllis A. Mitchell  
 [Plaintiff's name] finds that a temporary restraining order is necessary and equitable for the  
 protection of the rights of the party. The Court finds that unless Defendants  
EMC Mortgage / JP Morgan Chase [lienholder's name (mortgage company)] and  
Hughes, Watters, Askew, L.P. [trustee] are immediately restrained from the  
 commission of the acts prohibited by this order, Defendants will commit such acts before notice  
 of the hearing on Ron D. Thornton & Phyllis A. Mitchell's [Plaintiff's name] Petition for a  
 temporary injunction with respect to such matters can be served and a hearing held. The Court  
 therefore orders as follows:

IT IS ORDERED that the Clerk of this Court issue a temporary restraining order, to  
 continue in effect until the conclusion of the hearing on temporary injunction, or until further  
 order of this Court, restraining and enjoining Defendants

EMC Mortgage / JP Morgan Chase [lienholder's name (mortgage company)] and  
Hughes, Watters, Askew, L.P. [trustee], their officers, agents, employees, and  
 attorneys from conducting the Trustee's Sale on 6-1-2010 [date], of the  
 property located at:

5033 Bridge Creek Dr Plano, Texas 75093

[address] and more particularly described as:

[State full legal description of the property, including lot and block number, etc.]

Being Lot 9, Block B of Lakeside on Preston - Phase 6, an Addition  
 to The City of Plano Collin County, Texas According to The Plat  
 Thereof Recorded in Volume K, Page 368 Map Records  
 Collin County Texas. (Property)

\*\*\*These forms are not a substitute for legal advice.\*\*\*

[Place a check to indicate if a bond is or is not required. (Court will decide this)]

☒ IT IS ORDERED that the requirement of a bond is dispensed.

☐ IT IS ORDERED that a bond in the amount of \$ 500.00 [amount] is required of The State of Texas [plaintiff's name], and the Clerk of this Court shall, on the filing of a proper bond in that amount, with good and sufficient surety, issue a writ of injunction in conformity with the terms of this temporary restraining order.

It is further ORDERED that Plaintiff's application for temporary injunction be set for hearing in this Court on 6/10/10 [date] at 10:30 [time] in the courtroom of the 429th [name and designation of court] in Collin County, Texas.

SIGNED on 5/28/10 [date] at 9:00 AM [time].

  
JUDGE PRESIDING

Received:

Fax:

Jun 10 2010 01:07pm

Jun 10 2010 12:49pm P002

Cause Number: 429021662010

RON THORNTON, ET AL.,	§	IN THE 429 <sup>TH</sup> JUDICIAL DISTRICT
	§	
Plaintiff,	§	
V.	§	
	§	
THE BANK OF NEW YORK	§	
MELLON FKS EMC MORTGAGE	§	
B/S CT CORPORATION	§	OF THE COUNTY OF COLLIN
Defendant		

STATE OF TEXAS	§
COUNTY OF DALLAS	§
	§

**AFFIDAVIT OF SERVICE**

BEFORE ME, the undersigned, a notary public in and for the State of Texas, on this day personally appeared **Frank A. Bromley, III**, known to me to be the person whose name is subscribed hereto, and who, after being first duly sworn by me, did upon his/her oath depose and state:

1. "My name is **Frank A. Bromley, III**. I am of sound mind, over 21 years of age, and capable of making this affidavit. The facts stated herein are within my personal knowledge and are true and correct."
2. "I am a deputy constable, badge number 102, employed by **DERICK EVANS, DALLAS COUNTY CONSTABLE PRECINCT 1**, appointed to the position of Assistant Chief Deputy."
3. "On the 28<sup>th</sup> day of May, 2010, at approximately [time unknown] a citation for delivery/service upon the defendant, **THE BANK OF NEW YORK MELLON FKS EMC MORTGAGE, THROUGH THEIR REGISTERED AGENT, C.T. CORPORATION**, publication was received by **CONSTABLE DERICK EVANS, DALLAS COUNTY CONSTABLE PRECINCT 1**, located at 7201 South Polk Street, Dallas County, Dallas, Texas, 75232. This process was assigned to Sergeant Patricia Clark, #130, for delivery/service."
4. "Sergeant P. Clark proceeded to deliver/serve this above styled process to the defendant, **THE BANK OF NEW YORK MELLON FKS EMC MORTGAGE**,

1

2010 JUN 10 PM 1:00

NOTARY PUBLIC  
 STATE OF TEXAS  
*Ben Martin*

"B-5"

Received:

Jun 10 2010 01:08pm

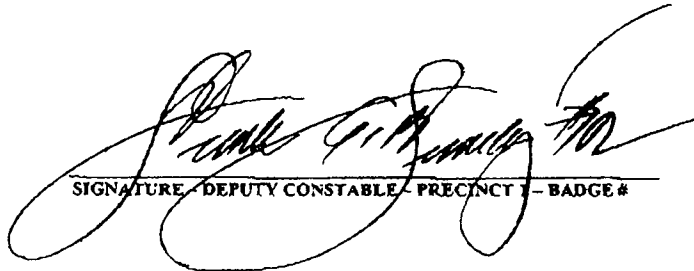
Fax:

Jun 10 2010 12:49pm P003

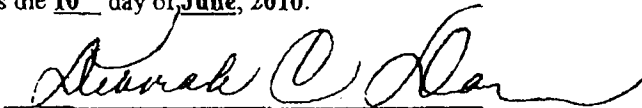
THROUGH THEIR REGISTERED AGENT, C.T. CORPORATION located at 350 North St. Paul Street, Suite #2900, Dallas County, Dallas, Texas, on the 1<sup>st</sup> day of June 2010, at approximately 9:30 a.m.. through their registered agent/employee, V. Castillo".

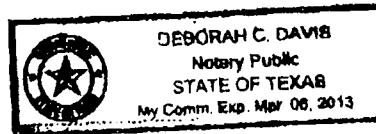
5. "On the 4<sup>th</sup> day of June 2010, Sergeant Clark completed the "Officer's Return" reflecting that the delivery/service of this process was performed as stated herein.
6. On or about the 4<sup>th</sup> day of June 2010, this department deposited in the first class mail the "Officer's Return," to the plaintiff, RON THORNTON, for delivery at 5033 Bridge Creek, Plano, Texas, 75093."

"Further Affiant Saith Not."

  
SIGNATURE - DEPUTY CONSTABLE - PRECINCT 1 - BADGE #

SWORN TO AND SUBSCRIBED before me on this the 10<sup>th</sup> day of June, 2010.

  
NOTARY PUBLIC - IN AND FOR THE STATE OF TEXAS  
My commission expires: 3/6/2013



**\*\* MESSAGE \*\***

[RECEIVER]

Fax:

[SENDER]

Fax:

**FAX**

---

[MESSAGE]

DALLAS CONSTABLE PCT 1 9722282254

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2010 JUN 10 PM 1:00

RECEIVED  
JUN 10 2010  
FAX  
DALLAS CONSTABLE PCT 1



Received:

Fax:

Jun 10 2010 01:07pm

Jun 10 2010 12:48pm P001

Dallas County Constable's Office Precinct 1

**DERICK EVANS**

Constable

7201 Polk Street  
Dallas, Texas 75232  
Phone: 972-228-0006  
Fax: 972-228-2254

107 Texas Street  
Lancaster, Texas 75146  
Phone: 214-875-2000  
Fax: 214-875-2047

# Fax Cover Sheet

Date: 06-10-2010  
To: MR. RON THORNTON  
From: ASST. CHIEF FANK BROWN #102  
Fax Number: (972) 548-4697  
Contact Number: (972) 228-0006  
No. Pages including cover sheet: 3

Comments:

**CONFIDENTIALITY**

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2010 JUN 10 PM 1:00

RECEIVED  
JUN 10 2010  
FAX  
1:00 PM

Revised 11/10/2008

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[show cause desired]

Don D. Thornton, Plaintiff [defendant's name], defendant, appear before me, Mitchell [Judge's name], Judge of the above-named Court, on JUNE 10th, 2010, at 2:00 o'clock, P.m., in the courtroom of the 429th District Court in Collin County, Texas, then and there to show cause, if any there be, why a temporary injunction should not be issued as requested by plaintiff. The clerk of the court is hereby directed to issue a show cause notice to defendant to appear at the temporary injunction hearing. JW



[show cause unnecessary]

the petition of Don D. Thornton & Plaintiff Mitchell [your name], plaintiff, for temporary injunction be heard before me, \_\_\_\_\_ [Judge's name], Judge of the above-named Court, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_m., in the courtroom of the \_\_\_\_\_ District Court in Collin County, Texas.

The clerk of the above-entitled Court shall, on the filing by plaintiff of the bond hereinafter required, issue a temporary restraining order in conformity with the law and the terms of this order.

This order shall not be effective unless and until plaintiff executes and files with the clerk a bond, in conformity with the law, in the amount of one thousand dollars [number, spelled out] dollars (\$ 1,000).

SIGNED this 10th day of June, 2010, at 2:38 o'clock, P.m.

[Signature]  
JUDGE PRESIDING

A

**CAUSE NO. 429-02166-2010**

[illegible]

**DEFENDANTS' ORIGINAL ANSWER**

Defendants, THE BANK OF NEW YORK MELLON f/k/a EMC MORTGAGE CORPORATION, JP MORGAN CHASE BANK NEW YORK, NY, HUGHES WATTERS ASKANASE LLP, and CAROLYN A. TAYLOR ("Defendants"), file their Original Answer, as follows:

## GENERAL DENIAL

Defendants generally deny the allegations contained in Plaintiffs' Original Petition.

**Defendants reserve the right to amend or supplement their Answer and to bring such other claims and causes of action to which it may be entitled pursuant to the Rules of Procedure and equity, as appropriate.**

WHEREFORE, Defendants, THE BANK OF NEW YORK MELLON f/k/a EMC MORTGAGE CORPORATION, JP MORGAN CHASE BANK NEW YORK, NY, HUGHES WATTERS ASKANASE LLP, and CAROLYN A. TAYLOR request that Plaintiffs take nothing by their suit and that THE BANK OF NEW YORK MELLON f/k/a EMC MORTGAGE CORPORATION, JP MORGAN CHASE BANK NEW

YORK, NY, HUGHES WATTERS ASKANASE LLP, and CAROLYN A. TAYLOR have and recover costs, together with such other and further relief, general or special, legal or equitable, to which they may be justly entitled.

Respectfully submitted,

HUGHES, WATTERS & ASKANASE,  
L.L.P.

//s//James E. Potts

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LLP, and CAROLYN A. TAYLOR

**CERTIFICATE OF SERVICE**

I certify that on the 25th day of June, 2010, a copy of the foregoing Defendants' Original Answer has been served on all attorneys/parties of record via certified mail, return receipt requested to:

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//s// James E. Potts